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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,641	09/26/2003	Rami Caspi	2003P08214US	8212

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,641	CASPI ET AL.	
	Examiner	Art Unit	
	JULIO R. PEREZ	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7- 10, 12-15, 17-18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. US 20030104819A1 and further in view of Callegari US 20030055983A1 and Pechatnikov et al. (US006898516B2).

Regarding claims 1, 9, 15, 24, Knauerhase teaches a telecommunications system, comprising: a plurality of network clients (Figure 1, #'s 140, 142, 144) including a positioning controller (Figure 3, # 366; par. 40, teach a determining location device with option to be externally located, which read on positioning locator) and a communications controller (Figure 3, # 360; par. 37); and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (Figure 2, #'s 160, 270, 260; par 28, teach server maintaining location database for tracking client positions, further the location server and present server could be implemented within the same server or they could be in separate/remote servers from each other, to coordinate/mapping networks clients to real time location coordinates and updates presence information to the presence server (Figure 6, # 630; pars. 22, 27,28, 58, which reads on the claimed limitation), the presence server defining one associated location/presence correlation pair defining a geographical area and corresponding

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presence status; wherein a presence status is maintained if the network client is within the borders of the geographical area (pars.60, 62, 67, 69; teach return "do not disturb" only if the location matches the location of the meeting room; return "busy" at a movie theater; return "available" if the location is indicating the car; return "unavailable" if the user is in the restroom, which read on defining one associated location correlation pair defining a geographical area and corresponding presence); and a mapping engine for defining the geographical area (paragraph [0028]); wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (Figure 3, #'s 360, 345; par. 37, 47, teach the controller reports the location of clients around the coverage area), but is silent on including a user defined boundary AND the location/presence correlation pairs further include availability status over a plurality of media associated with a user .

Callegari teaches the user able to manually define location information by entering address or street intersection, i.e., geographical area, (par. 101, lines 4-6), which reads on user-defined boundary.

Pechatnikov discloses different devices that support the availability of displaying the presence or location of the user on the coverage of an area (Figure 1, # 102; Figure 2A, A3 211; col. 11, lines 41-65).

It would have been obvious to one skill in the art at the time of the invention to modify Knauerhase, such that the user may report or define his location and status

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available over different media devices, to provide means for monitoring the location or position more accurately and efficiently and in accordance to the user's preferences.

Further with regard to claim 9, Knauerhase teaches a cellular controller adapted to receive said positioning information to an associated server (Figure 3, 6, #'s 300, 610-640, pars. 40, 58, 59) and rules database configured to receive correlation rules to store in database from mapping engine (pars. 40, 57-61).

Further with regard to claim 15, Knauerhase teaches a presence control unit adapted to receive and maintain presence information for a plurality of users (Figure 2, # 265, par. 26-28); and a location control unit adapted to receive and maintain location information for said plurality of users, said location information correlated with said presence information (Figure 1, #'s 265, 270, pars. 27-28); and a first interface for receiving predefined presence-location correlation rules from associated users, said rules including a geographical area defined by a mapping engine (pars. 60-61), teach the presence server receiving presence rules from the mobile done by querying the user to input presence rules (par. 57-59), further the presence server uses the data such as location, associated state, and associated presence information supplied by, to update presence information for the mobile station, and the mapping process further as discussed on par. 62-69.

Further with regard to claim 24, Knauerhase teaches transmitting said one or more positioning and presence correlation rules to a remote device (Figure 6, par. 58).

Regarding claims 2, 10, the combination teaches claims 1/9, wherein said positioning controller receives global positioning network signals for determining a position of an associated network client (Knauerhase, par. 28).

Regarding claims 3, the combination teaches claim 2, wherein said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said positioning server (Knauerhase, par. 47).

Regarding claim 5, the combination teaches claim 1, and further wherein positioning server includes an Instant Messaging message generator for communicating said updates to said presence server (Knauerhase, par. 30).

Regarding claims 7, 8, the combination teaches claim 1, and further wherein said presence server maintains a database of location and presence correlation pairs for registered users and receives location updates from said positioning server (Knauerhase, Figure 2, # 265, pars. 27-28, teach a versatile system, which has the possibility of separation between positioning server and the presence server or the combined elements with full functional capabilities of location storage and correlation pairs for registered users and to provide updates from each other) .

Regarding claims 12, 13, the combination of Knauerhase and Callegari teaches claim 1/9, further wherein said cellular telephone controller transmits changes to location and presence status to said associated server (Knauerhase, Figures 6-7, #'s 610-640, pars. 58-59).

Regarding claim 14, the combination of Knauerhase and Callegari teaches claim 9, further wherein said cellular telephone controller receives updates to said rules database from said associated server (Knauerhase, par. 61).

Regarding claims 17, 18, the combination teaches claim 15, wherein receiving said location information comprises receiving user-positioning updates from a remote user from an operable coupled wireless network (Figures 6-7, pars. 58-59).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase in view of Callegari and Pechatnikov and further in view of Miyamoto (US 2003/0114171).

Regarding claim 4, the combination teaches claim 1, but is silent on wherein positioning server includes an e-mail message generator for communicating said updates to said presence server.

Miyamoto teaches a position search server with an “e-mail relating section”, # 203, to generate e-mail messages (Figure 7, #203, par. 31), which reads on e-mail message generator.

It would have been obvious to one skilled in the art at the time of the invention to modify Knauerhase and Callegari, such that communicating presence or position-related information updates to presence server to provide flexibility in methods of information transmission among servers.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Knauerhase in view of Callegari and Pechatnikov further in view of Zmolek (US Pub. No. 2003/0154293).

Regarding claim 6, the combination teaches claim 1, wherein the position server updates presence related information to a presence server, but is silent on wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. In an analogous art, Zmolek teaches a system for presence tracking and name space interconnection techniques. Zmolek further teaches a telecommunication system, wherein Session Initiation Protocol (SIP) is employed to allowed servers providing services (paragraph [0005]). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase and Callegari system to include a telecommunication system, wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server such as taught by Zmolek in order to facilitate media-independent signaling and the implementation of presence and availability of the device.

5. Claims 19-20, 22-23, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase in view of Callegari and Pechatnikov and further in view of Giniger et al. (US Patent No. 6,985,742).

Regarding claim 19, Knauerhase teaches an automatically updating presence information system, wherein the server receiving updating location information from a remote user from an operable couple wireless network. However, Knauerhase does not specifically teach such implementation of the system in a personal communication service (PCS) network. In an analogous art, Giniger teaches a method and apparatus for providing position-related information to mobile recipients.

Giniger further teaches the cellular network is a personal communication service (PCS) network to deliver information to/from mobile unit (col. 14, line 39 to 60).

Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase cellular telephone network to a personal communication service network (PCS) such as taught by Giniger. This will enhance the system flexibility of working on a different network such as PCS network.

Regarding claim 20, the combination teaches a telecommunications server, further comprising a second interface for transmitting user-positioning updates to an operable coupled enterprise server (see Giniger, col. 7, line 18 to 33).

Regarding claim 22, the combination teaches a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, paragraph [0061]) and said second interface comprises a text messaging interface (see Knauerhase, par. 19-20).

Regarding claim 23, the combination does not teach a telecommunication further comprising a second interface for transmitting user-positioning updates to one or more local users. Giniger et al. teaches a telecommunications server, further comprising a second interface for transmitting user positioning updates to one or more local users (col. 7, line 18 to 33). Giniger further teaches a server with capability to transmit/receive information in a packet telephony format (col. 19, line 47 to col. 20, line 8). Therefore it would have been obvious to one skilled in the art to employed such protocol that also taught by Giniger et al. to implement the system of transmitting user-positioning updates

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to one or more local users for different purposes such as advertising, i.e., an emergency.

Regarding claim 25, the combination teaches receiving positioning updates at said remote device (Knauerhase ,Figure 6, par.58), but is silent on transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules.

Giniger teaches transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules (see Giniger, col. 5, lines 32-35, col. 7, lines 18-33).

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to modify Knauerhase to include Giniger feature of transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules in order to facilitate services such as advertising, i.e., an emergency.

Regarding claim 26, the combination teaches a telecommunications method, wherein said receiving one or more user positioning and presence correlation rules comprises receiving at a server one or more rules set via a network interface device operable coupled to said one or more local controllers (see Knauerhase, Figure 6, par.57-61).

Regarding claim 27, the combination teaches a telecommunications method, wherein said receiving positioning updates comprises receiving one or more signals from a global positioning network (par. 58).

Regarding claim 28, the combination teaches a telecommunications method, further comprising transmitting positioning updates from said remote device to one or more servers via a radio-linked network (see Giniger, col. 7, lines 18-33).

Regarding claims 29, 30, the combination teaches a telecommunications method, wherein said radio-linked network comprises a cellular telephone network / personal communication service (PCS) network (see Giniger, col. 14, lines 39 to 60).

Regarding claims 31, 32, the combination teaches a telecommunications method, wherein said one or more user positioning and presence correlation rules comprise one or more time-of-day parameters/day-of-week presence correlation rules comprises receiving at a server one or more rules set via a network interface device operable coupled to said one or more local controllers (see Knauerhase, Figure 6, par. 57-61).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase in view of Callegari and Pechatnikov further in view of Giniger and further in view of Miyamoto (US Pub. No. 2003/0114171).

Regarding claim 21, the combination of Knauerhase and Giniger teaches a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, par. 61), but silent on a second interface that comprises an email interface.

Miyamoto further teaches said second interface comprises an e-mail interface (Figure 7, # 203; par. 31). Therefore, it would have been obvious to one ordinary skilled

in the art to modify Knauerhase to include an email interface to facilitate the flexibility in methods of information transmission.

Response to Arguments

7. Applicant's arguments filed 09/12/08 have been fully considered but they are not persuasive. Applicant argues that Knauerhase does not appear to provide defining location-presence rules or pairs, including use of a mapping engine to define a user-defined area boundary. Furthermore, the presence rules of Knauerhase define a presence with respect to the device alone and not plural media or devices. Further, Knauerhase does not appear to provide for uploading presence rules to the device via a telephony interface or transmitting presence updates via a telephony interface. And that Kauerhase provide a network adapter, this does not appear to be a telephony interface. However, the examiner respectfully disagrees. Hence, giving its broadest and reasonable interpretation, the combination teaches or suggests a plurality of network clients (Figure 1, #'s 140, 142, 144) including a positioning controller (Figure 3, # 366; par. 40, teach a determining location device with option to be externally located, which read on positioning locator) and a communications controller (Figure 3, # 360; par. 37); and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (Figure 2, #'s 160, 270, 260; par 28, teach server maintaining location database for tracking client positions, further the location server and present server could be implemented within the same server or they could be in separate/remote servers from each other, to

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coordinate/mapping networks clients to real time location coordinates and updates presence information to the presence server (Figure 6, # 630; pars. 22, 27,28, 58, which reads on the claimed limitation), the presence server defining one associated location/presence correlation pair defining a geographical area and corresponding presence status; wherein a presence status is maintained if the network client is within the borders of the geographical area (pars.60, 62, 67, 69; teach return "do not disturb" only if the location matches the location of the meeting room; return "busy" at a movie theater; return "available" if the location is indicating the car; return "unavailable" if the user is in the restroom, which read on defining one associated location correlation pair defining a geographical area and corresponding presence); and a mapping engine for defining the geographical area (paragraph [0028]); wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (Figure 3, #'s 360, 345; par. 37, 47, teach the controller reports the location of clients around the coverage area), but is silent on including a user defined boundary AND the location/presence correlation pairs further include availability status over a plurality of media associated with a user . Further, the combination of Knauerhase and Callegari teaches telephony interface (see Callegari, par. 26, lines 1-5; par. 28, 15; thus, Callegari remedies the deficiency of Knauerhase. The applicant further argues that Miyamoto does not cure the deficiencies of Knauerhase and Callegari, i.e., not teaching an e-mail for position notification. The combination Knauerhase, Callegari, and Miyamoto is what meets the argued limitation (Miyamoto, Figure 7, #203, par. 31). In addition, the

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examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7503. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. P./
Examiner, Art Unit 2617

12/21/08

/Alexander Eisen/
Supervisory Patent Examiner, Art Unit 2617
21-Dec-08